

REMARKS

In accordance with the foregoing, claims 3-5, 9, 20, and 28 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-34 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116:

Applicants request entry of this Rule 116 Response because the amendments of claims 3-5, 9, 20, and 28 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 2, claims 4-7, 9, 14-17, 20-24, 26-27, and 30-34 were rejected under 35 U.S.C. § 102 in view of JP410138667A to Yamashina ("Yamashina"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

According to Yamashina, as a recording medium, a CD-ROM is used, but a DVD may be used. Then, the information stored in the card 1 can be reproduced by using a cardholder. However, nothing in Yamashina teaches or suggests, "a recording and/or reproducing unit recording and/or reproducing subject-related data on/stored in the trading card according to manipulation commands from the user and user-related data from the user, and building a

message by implementing the user-related data into the subject-related data and displays and/or sound reproduces the message,” as recited in independent claim 4. Rather, the cited reference limits its description to storing and reproducing video and voice information of the printed design on the card. There is no teaching or suggestion of recording and building a message based on information concerning a user of the card or card holder. In addition, the CD or DVD provided in Yamashina can only request that the card 1 reproduces the information stored therein concerning the printed design on the card.

Because independent claims 5, 9, 20, 30 and 32 include similar claim recitations as those recited in independent claim 4, although of different scope, the arguments presented above supporting the patentability of independent claim 4 are incorporated herein to support the patentability of independent claims 5, 9, 20, 30 and 32.

Thus, Yamashina fails to teach or suggest all the claimed recitations of independent claims 4, 5, 9, 20, 30 and 32 and related dependent claims.

In the Office Action, at page 2, claim 28 is rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 6,083,009 to Kim et al (“Kim”). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested

Kim generally describes a karaoke service method by telecommunication system where a mobile telephone terminal downloads karaoke data through a portable karaoke device and provides a karaoke service by using a radio data transmitting and receiving function of a mobile telephone network and a system thereof. See column 1, lines 30-35, and column 2, lines 36-67. However, Kim is silent as to teaching or suggesting, “downloading the subject-related data from the web site to a computer;... and recording the subject-related data in the trading card using the encoding unit, the subject-related data comprises moving picture information arranged in a sequence using serial numbers, still picture information, voice or sound information, and/or text information relating to a subject printed on the trading card,” as recited in independent claim 28.

Kim does not provide downloading subject-related data of a subject printed on a trading card. Rather, Kim focuses on downloading karaoke data and providing karaoke service using a mobile telephone network. The cited reference fails to teach or suggest all the claimed recitations recited in independent claim 28.

Accordingly, it is respectfully requested that independent claim 28 be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 3, claims 1-2 were rejected under 35 U.S.C. § 103 in view of Yamashina and U.S. Patent No. 4,007,355 to Moreno ("Moreno"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Yamashina provides that information stored in the card 1 can be reproduced by using a card holder. Further, Moreno provides data transfer means in the form of data recording devices which cooperate with the portable electronic devices to transfer data into or out of the portable electronic devices. However, nothing, in either reference, teaches or suggests, "wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units in the form of an optical or radio signal to **simultaneously reproduce** the subject-related data of the subject printed on the trading card in the **recording and/or reproducing units**," emphasis added, as recited in independent claim 1.

Yamashina refers to a single card 1 being reproduced by using the card holder and Moreno recording devices cooperating with portable electronic devices. However, neither reference teaches or suggests that the reproduction of the subject-related data of the subject printed on the trading card is to be simultaneously reproduced in the recording and/or reproducing units.

Accordingly, it is respectfully requested that independent claim 1 and related dependent claim 2 be allowed.

In the Office Action, at page 4, claims 3, 18-19, and 29 were rejected under 35 U.S.C. § 103 in view of Yamashina and U.S. Patent No. 5,689,561 to Pace ("Pace"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Yamashina describes a trading card including a CD-ROM to store information, where the information may be reproduced by using a cardholder. Further, Pace describes a system where, instead of the prior art system of trading paper cards or the like, the user trades floppy disks to collect the collection items, and can enjoy audio/visual presentations and interactive computer games associated with the collected items. See abstract. However, the proposed modification of incorporating the description provided in Pace into Yamashina changes the principle of operation of Yamashina. In particular, Pace does not teach or suggest modifying a trading card to include a data storage unit and a housing unit "containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading

card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data,” as recited in independent claim 3. Rather, Pace finds it limiting to use trading cards and accordingly describes a system where rather than trading cards; floppy disks are traded and used in combination with a computer system.

In addition, as previously indicated, Yamashina fails to teach or suggest, “the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data,” as recited in independent claim 3. Further, Pace is silent as to teaching or suggesting that the traded floppy disks include messages “based on recorded user-related information and are built by implementing the user-related data into the subject-related data,” as recited in independent claim 3. Thus, a combination of the cited references would fail to teach or suggest all the claimed recitations of independent claim 3.

Accordingly, in view of the foregoing, it is respectfully asserted that the prima facie obviousness rejection fails on its face and, accordingly, the combination of the references cited fails to teach or suggest a trading card comprising “a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card,” as recited in independent claim 3.

Similarly, regarding claims 18/9 and 19/9, Yamashina and Pace, fail to teach or suggest, “an encoding apparatus recording user-related information, building the message by implementing the user-related data into the subject-related data, and recording the contents of the message in the trading card,” as recited in independent claim 9.

Accordingly, it is respectfully requested that independent claim 9 and related dependent claims be allowed.

Referring to independent claim 29, this claim recites, “loading trading cards into a magazine; processing subject-related data stored in the trading cards.” However, Yamashina and Pace, individually or combined, are silent as to teaching or suggesting that the trading card may be loaded into a magazine. Further, the cited references, as previously discussed, fail to teach or suggest, “transmitting the subject-related data to a recording and/or reproducing apparatus, wherein the subject-related data comprises moving pictures arranged in a sequence using serial numbers; and processing the serial numbers to sequentially reproduce the moving pictures via a display unit.”

Accordingly, it is respectfully requested that independent claim 29 be allowed.

In the Office Action, at page 5, claim 8 was rejected under 35 U.S.C. § 103 in view of Yamashina and U.S. Patent No. 5,956,877 to Raasch ("Raasch"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The Office Action correctly recognized that Yamashina fails to teach or suggest, "a magazine loading trading cards, processing subject-related data stored in the trading cards, and transmitting the subject-related data, wherein the subject-related data comprises moving pictures arranged in a sequence using serial numbers," as recited in independent claim 8. In addition, Yamashina is silent as to processing the serial numbers of the subject-related data "to sequentially reproduce the moving pictures via a display unit," as recited in independent claim 8.

Raasch describes that a film clip packet may be reproduced by gluing outer edges of a film strip between its outer edges and outer margins of sprocket holes. See column 4, lines 14-39. Further, in the front or back of the ticket, commemorative indicia relating to the film clip may be **printed** on the surfaces of the ticket to authenticate the source of the film clip. Emphasis added. See column 12, lines 50-60. However, similarly to Yamashina, Raasch is silent as to teaching or suggesting, "a recording and/or reproducing apparatus receiving the subject-related data and **processing** the serial numbers **to sequentially reproduce** the moving pictures via a display unit," emphasis added, as recited in independent claim 8. Raasch, exclusively for display purposes, provides the commemorative indicia on the film clip. Contrary to the assertions made in the Office Action, such commemorative indicia is not processed to sequentially reproduce the moving pictures via a display unit.

It is respectfully requested that independent claim 8 be allowed.

In the Office Action, at page 6, claims 10-13 were rejected under 35 U.S.C. § 103 in view of Yamashina and U.S. 2002/0052238 to Muroi ("Muroi"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The arguments presented above are incorporated herein to support the patentability of claim 10/9-13/9 over Yamashina. Muroi generally provides that with trading cards, various pictures, patterns, designs and other information are printed in a fixed hard-copy form and thus cannot be varied at all. See paragraph [0003] of Muroi. Thus, Muroi provides an electronic game system, which, in accordance with progression of a game, can variously rewrite data

recorded on a trading card. See paragraphs [0004] and [0005] of Muroi.

However, similarly to Yamashina, Muroi is silent as to teaching or suggesting, “an encoding apparatus recording user-related information, building the message by implementing the user-related data into the subject-related data, and recording the contents of the message in the trading card,” as recited in independent claim 9. Thus, even assuming, *arguendo*, that Yamashina and Muroi were combined, a combination thereof would fail to teach or suggest all the claimed recitations recited in independent claim 9.

It is respectfully requested that independent claim 9 and related dependent claims be allowed.

In the Office Action, at page 6, claim 25 rejected under 35 U.S.C. § 103 in view of Yamashina and JP 406215010 to Tsutsui (“Tsutsui”). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The arguments presented above are incorporated herein to support the patentability of claim 25/20 over Yamashina. Tsutsui describes an information recording device storing information input through an information input section into a temporary recording section thereafter to record a recording medium comprised of a plurality of recording medium pieces, to correctly record information at a high speed.

However, similarly to Yamashina, Tsutsui is silent as to teaching or suggesting, “an encoding apparatus recording user-related information, building the message by implementing the user-related data into the subject-related data, and recording the contents of the message in the trading card,” as recited in independent claim 20.

Thus, even assuming, *arguendo*, that Yamashina and Tsutsui were combined, a combination thereof would fail to teach or suggest all the claimed recitations recited in independent claim 20.

It is respectfully requested that independent claim 20 and related dependent claim 25 be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further

outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

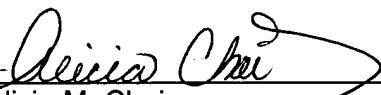
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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